

NEEDHAM PLANNING BOARD MINUTES

August 17, 2010

The regular meeting of the Planning Board held in the Community Room of the Needham Public Library, was called to order by Ronald Ruth, Chairman, on Tuesday, August 17, 2010 at 7:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Ruth noted the following correspondence for the record: a letter from John Jensen, dated 8/2/10, regarding the swimming pool By-Law and community concerns; letter from MassDevelopment to the Planning Board regarding the proposed St. Sebastian's project; a letter from Town Counsel David Tobin with the agreement with regard to the Planning Board appeal for the Nehoiden Street subdivision; a press release from Lee Newman regarding Central Avenue rezoning; and a Special Town Meeting notice from Town Manager Kate Fitzpatrick. Mr. Eisenhut noted, with regard to swimming pools, the closer it is the more danger there is. The political environment is not good right now. He does not know if there are any studies regarding the closeness to houses. He added it is not really their issue to begin with. Mr. Warner noted he agreed with Mr. Eisenhut. Mr. Ruth also agreed. Ms. McKnight recused herself from the discussion due to being the owner of a pool. Mr. Jacobs stated he has no comment either way. Mr. Ruth stated they should informally communicate their feelings if Mr. Jensen chooses to go forward. Mr. Ruth asked if Central Avenue would be ready for November and was informed no. Ms. Newman noted she is working with Newton regarding the rail right of way to bring the train out. She noted this would not be included in the list to HUD. Ms. Clee stated they are cleaning up the Zoning By-Laws. Ms. Newman stated that can go on the November warrant.

Appointments

7:45 p.m. – Informal Discussion: Scott Ravelson – Request to Extend a Personal Fitness Service Establishment Use to the Industrial District.

Scott Ravelson noted the neuro muscular tenant he had was gone before it went to the Board. He noted he just lost a fantastic tenant. He stated he is frustrated with the process. They need to figure out a way to get tenants in. He feels there has to be some flexibility. People coming to the area are exercise classes and such. He had a skating guy who wanted synthetic ice. They need help from the Economic Development. He asked if personal fitness was left out by omission. Ms. Newman stated she believes it may have been but she is not sure. Ms. McKnight noted this zone is between 2 business zones. When they are considering the use they may want to say the use is allowed in the zone or is the zoning appropriate to be industrial being on the other side of the tracks. Mr. Eisenhut asked if they are looking for the immediate use of personal fitness or is it a long term goal to get it rezoned. Mr. Ravelson noted it would be good for the immediate but he would like more input from people on the street to see how things could be better. He would like immediate relief but if a use is not going to be harmful what is the problem. Mr. Ruth noted they could take a look at this for November. Mr. Warner stated they could make a change but they have to go back to Town Meeting.

Public Hearings

8:00 p.m. – Nehoiden Street Definitive Subdivision: Fredrick L. Sewell, 1554 Central Avenue, Needham, Massachusetts, Petitioner (Property located at 198-200 Nehoiden Street).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, noted the proposal is for a 3 lot subdivision for 2 residential properties. Each of the properties is occupied. They have looked at alternatives. The Board needs to grant waivers. There will be one house up front and 2 interior with a 20-foot layout roadway. It is a limited scale proposal. Mr. Ruth noted the following correspondence for the record: a letter from the Conservation Commission, dated 8/6/10, with comments; a memo from Patricia Carey of Park and Recreation, dated 8/12/10, with comments; a memo from the

Board of Health, dated 8/10/10, with comments regarding grading and off-street drainage; a memo from Lt. Kraemer of the Police Department, dated 8/11/10, with the accident history in the area; an e-mail from Fire Chief Paul Buckley with no objections at this time and with previous comments and a memo from Tony DelGaizo, of the DPW, dated 8/17/10, with comments and recommendations. Mr. Giunta Jr. noted George Giunta Sr. cannot apply to the Conservation Commission until they get approval. He showed the existing conditions plan and proposed layout. There are 3 lots with a 20 foot roadway with a hammerhead and back up easement. There will be a footpath easement from 8.66 feet to 9.5 feet along the right side down to 4.5 feet. It would remain a private way. Maintenance of the street and footpath would be by the Homeowners Association. They would grant an easement to the town for utilities. Utilities are in the street. Water, sewer and drain all flow to catch basins to the roadway to a storm sceptor to a drain manhole to Rosemary Brook. It is clean. There are underground drain dry wells for roof runoff. The driveways have separate dry wells. The water is treated and put back into the ground. It will be all town utilities. There is a storm water management plan and it will be maintained 2 times per year upon approval by the Town Engineer. They are filing separate notices of intent to the Conservation Commission for each of the 3 houses. There will be a 3 foot landscape path along the footpath. Mr. Giunta Jr. noted it was a simple subdivision. Mr. Jacobs noted he was unclear about the Police Department memo. He asked if there were any more details about when the accidents occurred. Mr. Giunta Jr. commented he thinks they were between Rosemary and May Streets. Ms. Newman stated the Town Engineer is comfortable with the plan. Mr. Warner asked about the Homeowners Association and if one goes bankrupt would the other 2 have to pick it up. He was informed they would have to.

Bill Lenahan, of 189 Nehoiden Street, noted the mortgage holder has to step up. Mr. Eisenhut stated he is comfortable the Park and Recreation signed off on the footpath. There are other obscured easements there. He would like this one distinguished with signage. Ms. McKnight asked about the lotting plan and if the footpath was within Lot 3. Mr. Giunta Sr. stated it was part of Lot 3. Ms. McKnight stated the footpath needs to be labeled as a parcel as it is not part of Lot 3 but a separate proposed lot owned in fee but each homeowner. Mr. Giunta Sr. stated it is a separate entity owned by the association. Ms. McKnight asked why not have the whole area part of the way. Mr. Eisenhut noted it was like having a separate footpath. Ms. McKnight stated they want to make sure it is clearly maintained by the homeowners. There is a 3 foot wide gas easement and she asked why it is on Lots 1 and 2. Mr. Giunta Sr. noted there was no room with the roadway utilities. They made a new easement on the property for the gas easements. Ms. McKnight stated she feels the roads are a certain width so all utilities can fit in the layout of the road. They are getting away from that. She noted on the topography plan, in the center there is a 3.5 foot footpath that should be deleted. She thinks it was left over from a previous plan. Mr. Giunta Sr. agreed it needs to be deleted. Ms. McKnight noted the drywells. Some are on the lots and she asked if the responsibility for maintenance was each individual lots. She was informed it was. She asked if the system has been reviewed and approved and it has been.

Howard Goldman, representative for Bruce Wolfeld, noted Mr. Wolfeld is supportive but has some concerns. He supports public access to the town land but would like an 8-foot stockade fence along the boundary line. He would like to be in on the selection of the fence. Mr. Wolfeld would also like a buffer of approximately 3 feet. People will create noise, litter, etc. They are flexible that it may need to be narrower. He would like reasonable plantings with his input and an obligation to maintain would be the associations or the homeowners. He would also like the property to be maintained in perpetuity. Kathleen Leahy noted Mr. Giunta Sr. said he did not know who would develop the property. Mr. Giunta Sr. clarified for her that whoever develops the property has to follow the plan. Mr. Lenahan asked what the pathway surface would be. Mr. Giunta Sr. noted not asphalt but maybe crusheron. Mr. Lenahan asked who has oversight of the maintenance plan for the drainage installation at the bottom. Mr. Giunta Sr. believes it is engineering. Mr. Lenahan noted they will have to submit a report. He would like that oversight written into the plan with periodic reporting to the Town Engineer. He asked if the road grade was constant and was informed it was. Mr. Lenahan asked if the extent of the impervious surface is more or less than now. Mr. Giunta Sr. noted it is about the same but may be less. Mr. Lenahan commented he has a concern with a separate homeowners association owning the footpath easement area. There will be a condition in the decision that will require maintenance. Mr. Lenahan asked why not have each lot responsible for the road and footpath area. Mr. Warner stated they should reconsider the idea of an 8 foot fence. They will have no idea of what goes on over the other side. A 4 foot fence would allow better oversight of the property. Mr. Goldman noted they would like a written agreement between Mr. Wolfeld and the developer regarding maintenance of the buffer and abutters rights. They could put a fence not to exceed 8 feet. Ms. McKnight asked if the fence would be on Mr. Wolfeld's property or the developers. Mr. Goldman stated it will be on the developers' property 3 to 6 feet back. Ms. McKnight asked if, in the storm water management plan, they would include an agreement that each homeowner would be responsible for their lots. They will. Mr. Jacobs noted the boundary dispute. He commented they do not know what the boundary agreement would be and if it would affect the

final version of the footpath. He noted if they both agree it is where they say he is fine with that, but if not, he has a problem. Mr. Giunta Jr. suggested they continue the matter but it would be helpful to have a draft decision. Mr. Jacobs noted he needs to make sure Patricia Carey at Park and Recreation knows there is a 3 foot buffer with a fence within the buffer. Ms. McKnight stated she would like the exact width of the easement shown on the plan.

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to continue the hearing to 9/7/10 and leave it open limited to the issues of agreements between parties and the buffer zone easement.

8:30 p.m. – Major Project Site Plan Review No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA 02492, Petitioner (Property located at 292 Forest Street, Needham, MA) (Please Note: This hearing was continued from the July 20, 2010 meeting of the Planning Board and will be further continued to the September 7, 2010 meeting of the Planning Board).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to continue the hearing to 9/7/10.

7:30 p.m. – Sheila Pransky and Rob Stegman: Campaign to Protect the Affordable Housing Law.

Ms. Pransky is a proponent to the No to Question 2 campaign. She noted she supports 40Bs for affordable housing and hopes the Boards will have conversations. The Housing Authority has had one conversation so far and will have another. She would like support for the campaign. If the Boards are supportive she will move to the Selectmen. Brookline Housing Authority has supported it and it is going to the Brookline Selectmen. Mr. Eisenhut noted there are some very successful 40B projects in Needham and she should remind the Selectmen of those projects – of the success and diversity it has brought to the town. Ms. Pransky noted all 3 gubernatorial candidates support “No on 2.” She noted the most effective tool they have is to encourage affordable housing. Needham Opportunities Inc. is involved in the monitoring process and monitoring the individuals and the proceeds. There is almost no subsidy available and is all private market financing. Mr. Ruth noted there is no public money and it is completely privatized. He added there are a lot of disruptive consequences due to 40Bs. Mr. Eisenhut stated they could draft letters in general support. It is not a perfect statute. Mr. Warner asked a letter to whom. Mr. Eisenhut clarified the Selectmen.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by four of the five members present (Ms. McKnight abstained):

VOTED: to agree to draft a letter of support for the Selectmen.

Riverview Estates Subdivision: Update on Subdivision Completion Schedule and Request to Extend Completion Date.

Ms. Newman noted she has had some correspondence with the neighbor’s regarding their dissatisfaction. She has asked the engineer to go look at it and give an estimate of the remaining work. The estimate for the work is \$46,600 and \$20,000 for the off-street drainage for a total of \$66,600. They have \$70,000 in the account. They have set a schedule. The subdivision will be completed this year. The time expired a long time ago. She added part of the road is caving in. Ms. Newman has spoken with Mr. Piersiak and feels he intends to complete the work. Mr. Warner stated they should send a letter they want the work done by 11/1/10. Ms. Newman will follow up with a letter that they want the work done according to the letter and there will be no extension.

Meadow Woods Subdivision: Request to Release Performance Bond and Lots 2 and 3 for Building and Sale.

Ms. Newman noted the work is done and the Petrini’s bond has been released. She feels Pam Shaw’s bond should be released.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to release the bond in accordance with the agreement and authorize release of the lots upon receipt of an Off-Street Drainage Bond and agreement they can use the money for off-street drainage.

Review of Parking Studies for restaurant uses within Needham Center.

Ms. Newman noted 10 parking spaces or less may require a parking study could be the threshold. This will be discussed at the next meeting.

Review of Trail Master Plan.

Ms. Newman will draft the trails master plan. Do they want to require it as a condition of the Charles River Master Plan. Ms. McKnight noted the recommendation for additional trails did not seem to be very much. Mr. Warner noted Mr. Cramer was willing to give a pedestrian easement and a canoe landing and asked if still was. Ms. Newman noted he was. Mr. Warner stated they should collect the easements as they can. He would like to work with Mr. Cramer, if the Board gives approval, and work out a proposal for Foster and Greenway to give a tercentennial walkway along the Charles River. Mr. Ruth suggested he talk with Mr. Cramer after the decision is made. Ms. McKnight asked if they could encourage Mr. Warner to meet with the assessors and report back. Mr. Ruth asked if they want to endorse the trails plan and noted they should encourage future trails in Needham. Ms. McKnight agreed. She stated they should vote to endorse the Town of Needham Trails Master Plan dated 12/2008 and do everything they can to carry it out. Mr. Jacobs stated he has not read it. Mr. Ruth noted they will postpone it.

Request to authorize issuance of Permanent Occupancy Permit: Amendment to Major Project Site Plan Review Special Permit No. 2005-06: Pine Village Pre School, PO Box 35347, Brighton, MA, Petitioner (Property located at 53-83 Fourth Avenue, Needham, MA).

Ms. Newman noted she has the certifications from the architect and contractor.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to approve a permanent Certificate of Occupancy after the Inspector does the inspection and accept a bond, if necessary, so they can occupy the building.

Request to re-open hearing and to extend action deadline: Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, MA).

Ms. Newman noted the drawings they received last time were not accurate and it created some problems with the McQuillan property. They need to change the drawings and need to come back. They should re-open the hearing for that purpose. They would also like to open the balcony space to the handicapped with a bridge from the back. They need to re-open to advertise.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to reopen the hearing.

Re-appointment of Linda Hoard to Transportation Committee through May 31, 2013.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to re-appoint Linda Hoard.

Re-appointment of Roger Toran to Future School Needs Committee through May 31, 2011.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to re-appoint Roger Toran.

Re-appointment of Stephen Tanner to the Design Review Board through June 30, 2012.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to re-appoint Stephen Tanner.

Board of Appeals – August 19, 2010

Daniel J. DiSchino, 57 Wachusett Road, Needham, MA 02492 – 49 Wachusett Road.

The Board has already commented on this.

Clear Wireless, LLC and affiliate of Sprint Spectrum, L.P., 200 5th Avenue, Waltham, MA 02451, c/o Anne Grant, Prince, Lobel, Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114 – 350 Cedar Street.

The Board has already commented on this.

Board of Selectmen of the Town of Needham, 1471 Highland Avenue, Needham, MA 02492 – Lot 1 Carol Road and Lot 2 Brewster Drive.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: “No comment.”

Mr. and Mrs. Brandon Patey, 61 Rolling Lane, Needham, MA 02492 – 61 Rolling Lane.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to make no comment but noted the need for a variance.

George and Angela Davos, 7 Eaton Road, Needham, MA 02492 – 7 Eaton Road.

This has been withdrawn.

Jess T. Delancy, 31 Lake Drive, Needham, MA 02492 – 31 Lake Drive.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: “No comment.”

925 Webster Street, LLC, PO Box 920298, Needham, MA 02492 – 925 Webster Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to comment it appears to be more substantially detrimental with regard to the number of parking spaces for medical office, the anticipated traffic with regard to prior use, the traffic will be out to a major street and there will be parking off locus.

St. Sebastian’s School, 1191 Greendale Avenue, Needham, MA 02492 – 1176 Greendale Avenue.

Ms. Newman noted this will be presented in September.

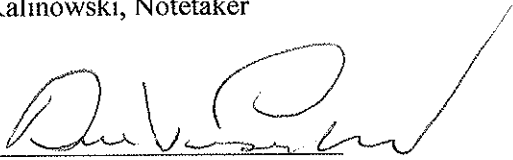
Report of the Planning Director and Board Members.

Mr. Ruth noted they will discuss a New Leaf next time. Ms. McKnight stated some things should be excluded such as cigarettes, carbonated beverages and lottery tickets. Mr. Eisenhut stated he does not think they have the authority to exclude lottery tickets. Ms. Newman asked if they could make this fit in the existing zoning so he can come forward to the Board. Mr. Warner noted a specialty retail zoning amendment should be done. Mr. Ruth stated it can not be done for November. They just did the downtown and should not bring it so soon. Ms. McKnight asked why allow the sale of coffee and tea. Ms. Newman noted he already has that. Mr. Jacobs stated he is uncomfortable with this whole thing. He does not know if they can do this. Mr. Ruth stated they could call it specialty foods rather than health and nutrition. Mr. Jacobs stated wording was the issue. They need to get away from health and nutrition. Mr. Ruth noted it should be put on the agenda for 9/7/10. Ms. Newman stated Jason is on board to complete the parking analysis. She would like an additional meeting in September. She is looking at 9/14/10 at 7:30 p.m. All agreed. Ms.

McKnight commented the room on Dedham Avenue is not well set up. She would like to request the staff to think about rearranging the room for big display boards. Ms. Clee stated they can do it any way the Board wants.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in black ink, appearing to read 'Bruce Eisenhut', written over a horizontal line.

Bruce Eisenhut, Vice-Chairman and Clerk